

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 07-131-JJF
	:	
JUAN CARBAJAL-MAGANA,	:	
	:	
Defendant.	:	

**MOTION FOR RESCHEDULING OF SENTENCING**

Defendant, Juan Carbajal-Magana, by and through his undersigned counsel, Keir Bradford, hereby moves the Court for an Order rescheduling the sentencing hearing in this case.

In support of this motion, the defense submits as follows:

1. Mr. Carbajal-Magana is scheduled for sentencing on April 3, 2008 at 11:00 a.m.
2. Mr. Carbajal-Magana was arrested on or about October 10, 2007 for violation of 8 U.S.C. § 1326(a). Mr. Carbajal-Magana plead guilty to the above charge on December 17, 2007.
3. A presentence report was prepared in this case indicating an adjusted offense level of 6 and a Criminal History Category of 1, with a Guideline range of 0-6 months. At the time of Sentencing, Mr. Carbajal-Magana would have served his full Guideline sentence. But for the fact that there was a belief that Mr. Carbajal-Magana had outstanding convictions that would affect his Guideline range, he would have been eligible for an expedited sentence like other similarly situated defendants.
4. Assistant United States Attorney, Leslie Wolfe, counsel for the government, and United States Probation Officer, Jean Lubinsky, has no objection to the defense's rescheduling of

Sentencing request<sup>1</sup>.

**WHEREFORE**, Mr. Carbajal-Magana respectfully requests that the Court expedite the Sentencing hearing in this matter.

Respectfully submitted,

/s/  
\_\_\_\_\_  
Keir Bradford, Esquire  
Assistant Federal Public Defender  
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ecf\_de@msn.com  
Attorney for Defendant Juan Carbajal-Magana

DATED: February 14, 2008

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<sup>1</sup> Ms. Lubinsky stated that she would have a revised copy of the presentence report ready for the Court immediately.

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JUAN CARBAJAL-MAGANA,	:	
	:	
Defendant.	:	

**ORDER**

In response to Mr. Carbajal-Magana's Motion for Rescheduling of Sentencing, this Court  
HEREBY ORDERS on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, that Defendant's  
sentencing hearing is rescheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 2008 at \_\_\_\_\_  
a.m./p.m.

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HONORABLE JOSEPH J. FARNAN, JR.  
United States District Court